

FILED**1/14/2022****THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

MARCUS I. CALHOUN

CASE NUMBER: 22CR25

UNDER SEAL**CRIMINAL COMPLAINT**


I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about January 14, 2022, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

*Code Section*Title 18, United States Code, Section
922(g)(1)*Offense Description*

knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess, in and affecting interstate commerce, a loaded Glock 45, 9 millimeter handgun bearing serial number BTUN419, which firearm had traveled in interstate commerce prior to defendant's possession of the firearm.

This criminal complaint is based upon these facts:

X Continued on the attached sheet.Dustin T. Gourley
Special Agent
Federal Bureau of Investigation (FBI)

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: January 14, 2022
Judge's signatureCity and state: Chicago, IllinoisSHEILA M. FINNEGAN, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, Dustin T. Gourley, being duly sworn, state as follows:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since April 2012. My current responsibilities include the investigation of violent crimes, including, among others, kidnaping, bank robbery, and the apprehension of violent fugitives.

2. This affidavit is submitted in support of a criminal complaint alleging that MARCUS I. CALHOUN has violated Title 18, United States Code, Section 922(g)(1).

3. This affidavit is based on my personal knowledge; my training and experience, and the training and experience of other law enforcement agents with whom I have consulted; information provided to me by other law enforcement agents, including in reports; and reviews of law enforcement databases.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging CALHOUN with possession of a firearm by a convicted felon, I have not included each and every fact known to me concerning this investigation. I have set forth the facts that I believe establish probable cause to believe that the defendant committed the offense alleged in the complaint.

FACTS SUPPORTING PROBABLE CAUSE

5. As detailed below, on or about January 14, 2022, law enforcement agents approached CALHOUN to arrest him on state warrant. While effectuating that arrest, officers performed a protective pat down of CALHOUN and discovered a loaded Glock 45, 9 millimeter handgun bearing serial number BTUN419 in his jacket pocket. Law enforcement databases show that CALHOUN is a convicted felon (as described below), and information from the firearm's manufacturer, Glock, Inc., indicates that the firearm was not manufactured in Illinois and thus traveled in interstate commerce before CALHOUN's possession of it.

A. CALHOUN's Possession of a Firearm

6. According to the National Crime Information Center database ("NCIC"), and information from the Clerk of the Circuit Court of Cook County, on or about November 22, 2021, the Cook County Sheriff's Office issued a warrant for CALHOUN's arrest based on a Probation Violation associated with an aggravated unlawful use of a weapon case documented under Case No. 19CR0042901.

7. On January 14, 2022, the FBI Chicago Violent Crime/Fugitive Task Force (VCFTF) assembled to execute that warrant near CALHOUN's last known address on the south side of Chicago.

8. At approximately 9:35 a.m., personnel from VCFTF observed a male, matching the description of CALHOUN walking towards, and subsequently enter, Convenience Store A, located on the 500 block of East 130th Street, Chicago, Illinois.

Personnel from the VCFTF approached the male, who self-identified as MARCUS CALHOUN. CALHOUN was then placed into custody.

9. After being placed into custody, a protective pat down of CALHOUN's person was conducted, and a firearm was discovered in CALHOUN's jacket pocket. Personnel from the VCFTF took photographs of the firearm in its original place within the jacket pocket, then recovered the firearm with gloves. Images of the firearm's recovery from CALHOUN's pocket are below.



10. Law enforcement conducted a recorded post-arrest interview of CALHOUN. After being advised of his *Miranda* rights, CALHOUN acknowledged that he knew he was not allowed to have a firearm, due to a conviction in, he said, “2018.”

B. CALHOUN’s Previous Felony Conviction

11. According to Circuit Court of Cook County records, on or about September 11, 2019, CALHOUN pleaded guilty in the Circuit Court of Cook County to aggravated unlawful use of a weapon. *See* 720 ILCS 5/24-1.6. Based on my training and experience, I know that a conviction of unlawful use of a of a weapon is a Class 4 Felony for which a convicted individual may be sentenced to a term of imprisonment exceeding one year.

12. According to the records, CALHOUN was sentenced under Illinois First Time Weapons Offender Program. 730 ILCS 5/5-6-3.6.¹ A condition of the program, required by the statute and the sentencing order, is that CALHOUN was required to “refrain from possessing a firearm or other dangerous weapon.” 730 ILCS 5/5-6-3.6(e)(2). On or about September 11, 2019, the state judge sentenced CALHOUN to two years’ probation.

C. Interstate Nexus

13. I have taken training, as a part of my employment with the FBI, to become a Certified Firearms Specialist, which includes determining the interstate

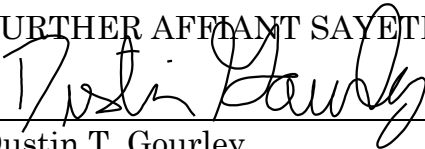
¹ Under the program: “Upon fulfillment of the terms and conditions of the Program, the court shall discharge the person and dismiss the proceedings against the person.” 730 ILCS 5/56-3.6(c).

nexus for firearms and ammunition. Today, I contacted Glock Inc., which provided information that the Glock 45, 9 millimeter handgun bearing serial number BTUN419, was imported from Austria on or about April 30, 2021, and dispositioned to a Federal Firearm Licensee (FFL) located in Shreveport, Louisiana, on or about May 4, 2021. Because the firearm was discovered in Illinois on CALHOUN's person, I believe that it has traveled in or affected interstate commerce.

CONCLUSION

14. Based on the information provided above, I respectfully submit that there is probable cause to believe that, on or about January 14, 2022, MARCUS CALHOUN, knowing he had previously been convicted of a crime punishable by more than a year in prison, knowingly possessed, in or affecting interstate commerce, a Glock 45, 9 millimeter handgun bearing serial number BTUN419, which firearm had traveled in interstate commerce before CALHOUN's possession of it, in violation of Title 18, United States Code, Section 922(g)(1).

FURTHER AFFIANT SAYETH NOT.



Dustin T. Gourley
Special Agent
Federal Bureau of Investigation

SWORN TO AND AFFIRMED by telephone January 14, 2022.



Honorable SHEILA M. FINNEGAN
United States Magistrate Judge